

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kevin Cooper

Serial No. : 09/____

Art Unit:

Filed : October 16, 2001

Examiner:

For : TWO PHASE THERMALLY DEFORMABLE BIOCOMPATIBLE
ABSORBABLE POLYMER MATRIX FOR USE IN MEDICAL DEVICES

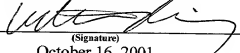
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(Date)

William K. Wissing

Name of applicant, assignee, or Registered Representative



(Signature)

October 16, 2001

(Date of Signature)

Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Dear Sir:

Applicants respectfully request that the following preliminary amendment be entered prior to prosecution on the merits.

In the specification:

At page 1, line 5, please insert the following:

- - This application is a divisional of pending United States Serial No. 09/497,060, filed February 2, 2000, which is a divisional of United States Serial No. 09/055,342, filed April 6, 1998, now abandoned. - -

Please cancel claims 1-20.

Please add the following claims:

21. A shaped surgical article having a portion thereof formed from an absorbable polymeric matrix, said matrix comprising a continuous phase and a dispersed phase of a crystalline or semi-crystalline material that has a melting temperature lower than the melting temperature of said continuous phase and that forms a distinct phase that provides a visual cue upon melting of said material, characterized in that said shaped surgical article is shaped at from a minimum temperature that is at least about the melting temperature of said material and is effective to provide said visual cue to a maximum temperature of about 65°C, while said visual cue is present.

22. The shaped surgical article of claim 21 selected from the group consisting of burn dressings, hernia patches, medicated dressings, facial substitutes, gauze, fabric, sheet, felt, sponge for liver hemostasis, gauze bandages, arterial graft or substitutes, bandages for skin surfaces, burn dressings, bone substitutes, needles, intrauterine devices, tubes, surgical instruments, vascular implants, vascular supports, vertebral discs, extracorporeal tubing, artificial skin, stents, suture anchors, injectable defect fillers, preformed defect fillers, bone waxes, cartilage replacements, hemostatic barriers, tissue scaffolds, monofilament sutures and braided sutures, pins, rods and plates.

23. The shaped surgical article of claim 21 selected from the group consisting, bone substitutes, vertebral discs, pins, rods and plates.

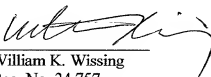
24. The shaped surgical article of claim 21 wherein said continuous phase is an amorphous aliphatic polyester selected from the group consisting of amorphous polylactide, amorphous polyglycolide, amorphous poly-L,4-dioxan-2-one, amorphous polytrimethylene carbonate, and miscible blends thereof.

25. The shaped surgical article of claim 24 wherein the dispersed phase is an aliphatic polyester selected from the group consisting of poly(ϵ -caprolactone); copolymers of ϵ -caprolactone and with up to 40 mole percent of a second monomer selected from the group consisting of lactide, lactic acid, glycolide, glycolic acid, 1,4-dioxan-2-one, and trimethylene carbonate; copolymers of ϵ -caprolactone or trimethylene carbonate with greater than 60 mole percent 1,4-dioxan-2-one but less than 90 mole percent and blends thereof.

Remarks

Applicants have amended the application to note the parent cases thereof. Applicants have canceled all claims and replaced same with new claims 21-25, all directed to shaped surgical articles as claimed therein. Applicants respectfully submit that the amendment introduces no new matter. Support is found at page 4, lines 11-29, page 5, lines 14-18 and page 7, lines 4-22. Applicants respectfully submit that claims 21-25 are patentable and earnestly request a notice of allowance to that effect.

Respectfully submitted,


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